

Permitting and Assistance Branch Staff Report
Minor Waste Tire Facility Permit Renewal for Reliable Tire, Inc.
TPID No. 1000092
October 25, 2012

Background Information, Analysis, and Findings:

This report was developed in response to a Minor Waste Tire Facility Permit (WTFP) renewal application received from the operator of Reliable Tire, Inc., located at 2432 Commercial Street, in the City of San Diego. The property site is approximately 0.25 acre within a Light Industrial zone (SESDPD-I-1).

WTFPs expire every five years after the date of issuance unless the permit is renewed prior to the expiration date. The existing permit was issued March 7, 2008 and expires March 7, 2013. The operator will continue to store up to 4,999 waste tires outdoors. Waste tires can only be stored within the local fire authority approved tire storage areas. No changes in the site storage are proposed.

An application for a Minor WTFP renewal was received by Permitting and Assistance Branch staff on June 5, 2012, which was accepted as complete on June 28, 2012. Pursuant to Title 14, California Code of Regulations (14 CCR), Section 18425, CalRecycle has 180 calendar days from the date the initial application is accepted as complete to either issue or deny the issuance of a WTFP. CalRecycle is required to act by December 25, 2012.

Findings

Staff recommends approval of the issuance of the proposed permit. All of the required submittals and findings required by 14 CCR Section 18431 have been met to support concurrence. The findings that are required to be made by CalRecycle when reaching a determination are summarized in the table below. The documents on which staff's findings are based are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

The following table summarizes the staff's findings relative to the permit application:

	Findings	
California Environmental Quality Act (CEQA)	Staff of the Permitting and Assistance Branch found that the issuance of the Minor Waste Tire Facility Permit is statutorily exempt from the requirements of CEQA. See additional CEQA information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Compliance with Tire Storage Standards, 14 CCR, Sections 17350-17356	Staff of the Waste Evaluation and Enforcement Branch (WEEB) conducted an inspection of the facility on October 2, 2012. The facility was found in compliance with the applicable waste tire storage design requirements. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Application Forms (500-504) - 14 CCR, Sections 18431(a) (b) (c) (d)	All application forms were accepted by Permitting and Assistance Branch staff as complete on June 28, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Local Requirements 14 CCR, Section 18431(h)	<p><i>Local Fire Authority:</i> The City of San Diego Fire Department (SDFD) staff approved of the facility and stamped their approval on the facility Site Plan (February 2, 2012), alternative standards (February 2, 2012), and the Emergency Response Plan (February 12, 2012).</p> <p><i>Local Vector Control Agency:</i> The County of San Diego Vector Control Program staff inspected the facility on February 1, 2012, and confirmed that there are no vector control issues with the outdoor tire storage operations.</p>	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Reviewed by: CalRecycle Legal Office	Approved on November 13, 2012	
Waste Evaluation and Enforcement Branch	Approved on October 2, 2012	

Compliance History:

Staff of WEEB and the Permitting and Assistance Branch conducted a pre-permit inspection on October 2, 2012, and found the facility in compliance with the applicable Waste Tire Storage Standards.

Environmental Analysis:

Under CEQA, CalRecycle must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Minor WTFP before CalRecycle issues that permit. In this case, CalRecycle is a lead agency under CEQA and must make a determination as to whether this proposed permit is categorically or statutorily exempt or if additional CEQA analysis is necessary in the form of a Negative Declaration or Environmental Impact Report.

The proposed WTFP is considered to be a project under CEQA (CEQA Guidelines 15378(a) (3)) and the facility is required to obtain a permit pursuant to 14 CCR Section 18420 for the outdoor storage of up to 4,999 waste tires.

Reliable Tire, Inc. operates within the applicable zoning designation of the San Diego City Zoning Ordinance for the storage of waste tires. The site is contained in the Southeast San Diego Planned District, Light Industrial, (zoning designation SESDPD-I-1), which became effective April 26, 2007. The City's General Plan was updated in 2008. At that time, the City Council also certified the General Plan Program Environmental Impact Report and adopted associated amendments to the Land Development Code. The 2008 General Plan update did not include land use designation or zoning changes, which is the purview of the City's community plans.

Staff prepared a Preliminary Review to determine whether a Categorical or Statutory Exemption is adequate for CalRecycle's approval of this Minor WTFP. The Preliminary Review indicates that the proposed project:

- Involves the continued operation of an existing facility within the permitted land use;
- Involves no expansion of use beyond that existing at the time of permit issuance;

- Does not allow relaxation of standards leading to environmental degradation;
- Would have no significant environmental impacts; and
- There are no additional cumulative environmental impacts.

CalRecycle staff made the finding/determination that a Statutory Exemption: “General Rule” Exemption, 14 CCR Section 15061(b)(3), is appropriate for CalRecycle's issuance of this proposed Minor WTFP.

Staff recommends that CalRecycle, acting as a Lead Agency under CEQA, prepare a Notice of Exemption, based on the General Rule Exemption, to be filed with the State Clearinghouse after CalRecycle's issuance of the Minor WTFP, in that the activity is not subject to further CEQA review. Furthermore, there are no grounds under CEQA for CalRecycle to prepare any additional environmental documents.

Staff further recommends the General Rule Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within CalRecycle's expertise and authority, or which are required to be carried out or approved by CalRecycle.

The administrative record for the decision to be made by CalRecycle includes the proposed Minor WTFP and all of its components and supporting documentation, this staff report, the Notice of Exemption and other documents and material utilized by CalRecycle in reaching its decision on issuing this permit. The custodian of CalRecycle's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comment

Department staff provided an opportunity for public comment during CalRecycle's Monthly Public Meeting on September 12, 2012 and October 16, 2012. No public comments have been received by CalRecycle staff.

Attachment: Minor WTFP